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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/647,049	11/14/2000	Miodrag Novakovic	4966-17PUS	2881

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EXAMINER

RHEE, JANE J

ART UNIT	PAPER NUMBER
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1772

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DATE MAILED: 12/03/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Applicati n N .

09/647,049

Examiner

Jane J Rhee

Applicant(s)

MIODRAG NOVAKOVIC

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 3-7 and 10-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 3-7, 10-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. Regarding claim 4, the phrase "such as" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 3-7,10,13-15 are rejected under 35 U.S.C. 102(b) as being unpatentable by Brown (4698249).

Brown discloses a covering panel, particularly for a floor comprising a plurality of tiles (figure 1) a support plate having an upper face and a lower face and a thickness between the faces, the supporting plate being made from a flexible material that is elastically compressible in the direction of the thickness (figure 4 number 30), the tiles being individually attached to the upper face of the supporting plate (figure 4 number 10 and 30) while being juxtaposed thereon in a way that adjacent tiles are in contact with

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one another along their edges, with edges of adjacent tiles being aligned to form continuous lines on the upper face of the panel (col. 26 lines 55-57) and portions of the supporting plate beneath the continuous lines formed by the aligned edges of adjacent tiles constituting folding lines along which the supporting plate and the panel are foldable (figure 17). Brown discloses that a tile comprises an upper covering plate (figure 4 number 10) and at least one lower rigid supporting plate (figure 4 number 30), made of a material with high flexural strength (col. 30 lines 45-48) and on which the upper plate is attached (figure 4 number 10 and 30). Brown discloses that a covering plate is a plate with low flexural strength such as tiles (figure 4 number 10). Brown discloses that the supporting plate (figure 4 number 30) is made of foam (col. 30 line 43). Brown discloses that the lower supporting plate can also be flexible plastic slip sheets (col. 27 lines 13-15). Brown discloses that the tiles are attached on the flexible support plate by adhesive bonding (figure 7 number 24 and 32). Brown discloses that the panel constitutes an assembly that is rigid in the approximately flat state against the forces acting on the top of the panel (col. 30 lines 27-37). Brown discloses a covering particularly for a floor characterized in that it is formed by the contiguous juxtaposition of panels according to claim 14 on a laying surface (figure 1). Brown discloses that the individual mounting of the tiles on the flexible supporting plate, the flexibility of the supporting plate with the folding lines, and the compressibility of the supporting plate inherently constitute means of compensating for irregularities or flatness defects of a surface on which the panels are laid.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Brown in view of Cole (5927034).

Brown discloses the panel described above. Brown fails to disclose that the tile comprises an upper covering plate disposed on a rigid plate. Cole teaches an upper covering plate disposed on a rigid plate (col. 4 lines 45-46) for the purpose of having aesthetically appealing surface irregularities (col. 4 lines 50-53).

Therefore, it would have been obvious to one of ordinary skill in the art to have provided Brown with an upper covering plate disposed on a rigid plate in order to have aesthetically appealing surface irregularities as taught by Cole (col. 4 lines 50-53).

4. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Brown in view of Owens (4931331).

Brown discloses a panel as described above. Brown fail to disclose that the tile of covering extending parallel is formed by a strip to one edge of the panel and whose length corresponds to the length of the edge, and attached on several rigid plates juxtaposed in the direction of the length of the strip on the supporting plate, several strips being juxtaposed on the supporting plate. Owens teaches a tile that is formed by a strip of covering extending parallel to one edge of the panel and whose length corresponds to the length of the edge, and attached on several rigid plates juxtaposed

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in the direction of the length of the strip on the supporting plate, several strips being juxtaposed on the supporting plate (figure 5c number 1) for the purpose of enabling a relatively unskilled individual to install in by himself (col. 3 lines 58-59).

Therefore, it would have been obvious to one of ordinary skill in the art at the time applicant's invention was made to have provided Brown with a tile that is formed by a strip of covering extending parallel to one edge of the panel and whose length corresponds to the length of the edge, and attached on several rigid plates juxtaposed in the direction of the length of the strip on the supporting plate, several strips being juxtaposed on the supporting plate (figure 5c number 1) in order to enable a relatively unskilled individual to install in by himself (col. 3 lines 58-59) as taught by Owens.

### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jane J Rhee whose telephone number is 703-605-4959. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on 703-308-4251. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

*Jane J Rhee*  
11/19/02

*Harold Pyon*  
HAROLD PYON  
SUPERVISORY PATENT EXAMINER  
1772

11/26/02